

JUDGE FRANKLIN D. BURGESS

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,	)	NO. CR05-5431FDB
	)	
Plaintiff,	)	
	)	ORDER GRANTING STIPULATED
vs.	)	MOTION TO CONTINUE TRIAL
	)	DATE
JERMAINE D. HENDERSON,	)	
	)	
Defendant.	)	
_____	)	

Based on the stipulated motion of the parties to continue the trial date, and the affidavit of defense counsel in support of the motion, the Court makes the following findings of fact and conclusions of law:

1. The ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

2. Proceeding to trial absent adequate time for the defense to prepare would result in a miscarriage of justice. 18 U.S.C. §3161(h)(8)(B)(i).

3. The defense needs additional time to explore issues of some complexity, including all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act and currently set for this case. 18 U.S.C. § 3161(h)(8)(B)(ii).

1 4. Taking into account the exercise of due diligence, a continuance is necessary  
2 to allow the defendant the reasonable time for effective preparation his defense. 18  
3 U.S.C. § 3161(h)(8)(B)(iv).

4 NOW, THEREFORE,

5 IT IS HEREBY ORDERED that the trial date is continued from August 1, 2005  
6 to September 26, 2005, at 9:00 am. The resulting period of delay from August 1, 2005,  
7 up to and including September 26, 2005, is hereby excluded for speedy trial purposes  
8 under 18 U.S.C. § 3161(h)(8)(A) and (B).

9 Pre-trial motions are due no later than August 3, 2005.

10 Pre-trial conference shall be on September 16, 2005, at 2:30 pm.

11 DONE this 13<sup>th</sup> day of July, 2005.

12  
13 /s/ Franklin D Burgess  
14 JUDGE FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE

15 Presented By:

16  
17  
18 /s/ Jerome Kuh  
Jerome Kuh  
19 Attorney for Defendant

/s/ Bruce Miyake  
Bruce Miyake  
Assistant United States Attorney